

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 07-CV-20411  
HON. GEORGE CARAM STEEH

D-1 TONY JAMEL LEE,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION (# 147)

Defendant Tony Jamel Lee moves for reconsideration of this court's September 22, 2009 Order denying Lee's motion for the court to determine the quantity of controlled substance by a reasonable doubt standard. Generally, and without restricting the court's discretion, the court will not grant a motion for reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been mislead but also show that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3).

The court did not err in denying Lee's motion on the basis of the controlling authority, United States v. Leachman, 309 F.3d 377 (6th Cir. 2001). Lee's argument that Leachman is factually distinguishable is not well taken. Lee's motion merely raises the same issues ruled upon by the court in its September 22, 2009 Order. Accordingly,

Defendant Lee's motion for reconsideration is hereby DENIED.

SO ORDERED.

Dated: September 24, 2009

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 24, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk